

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN LOUIS,

Plaintiff,

-against-

JOHN MORLEY, et al.,

Defendants.

NELSON S. ROMÁN, United States District Judge:

USDC SDNY
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22-CV-10094 (NSR)

SUPPLEMENTAL ORDER OF
SERVICE AND VALENTIN ORDER

Plaintiff, who is currently incarcerated at Woodbourne Correctional Facility (“Woodbourne”), brings this *pro se* action under 42 U.S.C. § 1983, alleging that medical staff at Woodbourne and Sing Sing Correctional Facility showed deliberate indifference to his medical needs. By order dated January 20, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. On April 28, 2023, Plaintiff filed his Amended Complaint against Dr. Harris Baker, David Howard, Dr. John Morley, Aaron Roth, Amy Roycroft, and “Dr. Ruiz.” (ECF No. 18.)

On January 27, 2023, the Court issued an Order of Service for Defendants Howard, Ruiz, Baker, and Roth to effectuate service of the Complaint (ECF No. 2) upon those defendants. (ECF No. 11.) The Court also issued a *Valentin* order directing the New York State Attorney General to identify Doe Defendants named in the Complaint. (*Id.*)

Because the docket does not reflect that Defendants Howard, Ruiz, Baker, and Roth have been served, and because Plaintiff has now filed an Amended Complaint which adds new defendants, the Court issues this Supplemental Order of Service herein.

DISCUSSION

A. Order of Service

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Dr. Harris Baker, David Howard, John Morley, Aaron Roth, Amy Roycroft, and “Dr. Ruiz.” through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.


B. Order to Provide Service Address for John Morley, M.D.

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant or an unknown address. 121 F.3d 72, 76 (2d Cir. 1997); *Stephen v. Hall*, No. 19CV2225JPOVF, 2022 WL 6765791, at *1 (S.D.N.Y. Oct. 11, 2022) (“The Court routinely uses Valentin Orders” in order to help pro se prisoners identify unknown defendants and/or addresses where they can be served.”).

The Amended Complaint names John Morley, M.D., and now adds in allegations regarding his personal involvement in events underlying his claims. It is therefore ordered that the New York State Attorney General, who is the attorney for and agent of the DOCCS, to ascertain a service address for Dr. Morley. The Attorney General must provide this information to Plaintiff and the Court within twenty-one days of the date of this order.

After receiving this information, the Court will direct the Clerk of Court to issue an order directing the Clerk of Court to complete the USM-285 form with the address for John Morley, M.D. and deliver all documents necessary to effect service to the U.S. Marshals Service.

Dated: May 2, 2023
White Plains, NY

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

DEFENDANTS AND SERVICE ADDRESSES

1. Superintendent David Howard
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, NY 12788-1000
2. Dr. Ruiz
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, NY 12788-1000
3. Dr. Harris Baker
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, NY 12788-1000
4. Dr. Aaron Roth
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562-5442
5. Nurse Administrator Amy Roycroft
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, New York 12788